

Atty Docket No.: R0151B-REG  
USSN: 10/702,302

### REMARKS

Claims 1-3, 5-16, 33-43 and 47-51 are pending in the above-identified patent application. Claim 44 is canceled, and new claim 51 is added herein. No new matter is introduced, and Applicants' amended claim is fully supported by Applicants' specification.

1. Allowed Claims

The Applicants note with appreciation that claims 1-3, 5-16, 33-43 and 47-50 are allowed.

2. Rejection of Claims Under 35 USC §112, First Paragraph

The Examiner rejected claim 44 under 35 USC §112, first paragraph as not being enabled by Applicants' specification for treatment memory disorders or Alzheimer's disease. The Examiner noted, inter alia, the number and different types of memory disorders, that memory disorders are unpredictable due to their complex nature, and that many memory disorders such as dementia and amnesia have no recognized treatment.

Applicants have canceled claim 44 and added new claim 51 which recites a method for enhancing cognitive memory (see, e.g., p. 33 line 22 of Applicants' specification), rather than a method for treating memory disorders generally as recited in canceled claim 44. As previously noted by Applicants, enhancement of cognitive memory in rats by administration of 5-HT<sub>6</sub> antagonists has been shown by Wooley et al., Neuropharmacology 41, 210-219 (2001), Rogers et al., Psychopharmacology 158, 114-119 (2001), and Meneses et al., Drug News Perspect. 14(7), 396-400 (2001). As also previously noted by Applicants, the use of 5-HT<sub>6</sub> antagonists for memory enhancement is being investigated in the clinic by major pharmaceutical companies, including Glaxo SmithKline (GSK 742457), Aventis (M100907B) and Saegis (SGS518). The completion of phase IIa clinical trials for the SGS518 5-HT<sub>6</sub> antagonist was recently (December 15 2005) announced in a press release by Saegis (copy submitted herewith). This clinical trial demonstrated cognition enhancement in 5-HT<sub>6</sub>-dosed humans as measured by a computerized BACS test.

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Applicants respectfully submit that the use of 5-HT6 receptor antagonists for enhancing cognitive memory has been established in the art, and skilled persons can reasonably test such compounds for enhancement of cognitive memory without undue experimentation. The fact that pharmaceutical companies are currently spending millions of dollars to advance 5-HT6 receptor antagonist drug candidates such as SGS518 into human clinical trials strongly indicates that the state of the art, the relative level of skill in the art, and the predictability in the art are relatively high, and further that amount of experimentation involved in characterizing such compounds is not unduly burdensome. Applicants believe that new claim 51, which does not recite treatment of memory disorders generally as in canceled claim 44, is substantially narrower in scope than canceled claim 44. Accordingly, Applicants believe that new claim 51 meets the criteria of 35 USC §112 first paragraph.

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### CONCLUSION

The Applicants respectfully believe that all claims pending in the above-identified case are now in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

No fees should be due. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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